

## KING COUNTY RESPONSIBILITY LEASE DETAIL & ATTESTATION FORM

The proposed lessee, upon request, shall be required to complete this Responsibility Detail Form as specified in King County Code (K.C.C) 2.93.120; amending K.C.C. 4.56.160; and amending K.C.C. 4.56.190.

**This completed Responsibility Detail and Attestation Form shall be submitted electronically (pdf) via email to the Leasing Supervisor , Facilities Management Division, King County Administration Building, Suite 800, 500 Fourth Avenue, Seattle, WA 98104.**

**Proposed Lessee's Company Name:** Ardagh Glass Inc.

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Dunn and Bradstreet (DUNS) No. (if applicable) 92-775-6882

### **FINANCIAL RESOURCES AND RESPONSIBILITY**

Within the previous three years has your firm been the debtor in a bankruptcy?

Yes       No

*IF YES,  
EXPLAIN:* \_\_\_\_\_

Is your firm in the process of or in negotiations to be sold?

Yes       No

*IF YES, EXPLAIN:* \_\_\_\_\_

Please provide a current financial statement showing all assets and liabilities of the proposer/bidder entity i.e., the entity executing the lease). Lessee is part of the Ardagh Group, which is owned by Ardagh Group S.A., NYSE (SYMBOL: ARD). Please see financial information as provided in its public filings as accessible via its website ([www.ardaghgroup.com](http://www.ardaghgroup.com)).

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For leases, subleases, ground leases, licenses, and other real property agreements in which your firm is a tenant or similar user of real property, has your firm received a notice of default within the previous three years?

Yes       No

*IF YES,* \_\_\_\_\_

*.EXPLAIN: ON JANUARY 31, 2019, LESSEE RECEIVED A NOTICE OF  
DEFAULT FROM THE KING COUNTY FACILITIES MANAGEMENT  
DEPARTMENT ALLEGING THAT LESSEE WAS IN VIOLATION OF ITS  
LEASE AGREEMENT WITH KING COUNTY FOR THE PROPERTY LOCATED  
AT 5409 OHIO AVENUE SOUTH AVENUE. THE NOTICE ALLEGED THAT*

**LESSEE HAD SUBLLET A PORTION OF THE PROPERTY TO STRATEGIC MATERIALS INC. (SMI) WITHOUT OBTAINING PRIOR CONSENT FROM THE COUNTY IN VIOLATION OF THE LEASE AGREEMENT. ON OR ABOUT FEBRUARY 15, 2019, LESSEE PROVIDED THE COUNTY ADDITIONAL INFORMATION AND CITED A SPECIFIC PROVISION OF THE LEASE WHICH ALLOWED THE SUBLEASE TO SMI. ON FEBRUARY 21, 2019, LESEE RECEIVED CONFIRMATION FROM THE COUNTY THAT THE COUNTY ACCEPTED LESSEE'S RESPONSE AND THAT NO FURTHER ACTION WAS REQUIRED WITH RESPECT TO THE SUBLEASE WITH SMI OR THE NOTICE OF DEFAULT.**

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Within the previous three years, has your firm been the defendant in an unlawful detainer action, or similar judicial action to evict or remove your firm from leased or rented real property?

Yes       No

*IF YES,  
EXPLAIN:* \_\_\_\_\_

Within the previous three years, have the assets of your firm been subject to a judgment, attachment or lien [other than liens associated with a deed of trust, mortgage, or other financing]?

Yes       No

*IF YES,  
EXPLAIN:* \_\_\_\_\_

Within the previous three years, if your firm leased or subleased real property from King County, has your firm received any notices of default from King County regarding said lease[s] or sublease[s]?

Yes       No

*IF YES, EXPLAIN: SEE ABOVE RESPONSE REGARDING NOTICES OF DEFAULT.* \_\_\_\_\_

### **ENVIRONMENTAL RESPONSIBILITY**

Within the previous three years has the bidder/ proposer: been found in violation of any environmental laws; received a notice of violation or other allegation of violation from an environmental regulatory agency; been the defendant in an administrative or judicial action concerning alleged violations of environmental laws; or entered into a consent decree with an environmental regulatory agency? Environmental laws shall mean any federal, state, or local statute, regulation, code, rule, ordinance, order, judgement, decree, injunction, or common law

pertaining in any way to the protection of human health, safety, or the environment, including without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9602 et seq. ("CERCLA"); the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq. ("RCRA"); the Clean Air Act, 42 U.S.C. § 7401 et seq.; the Toxic Substances Control Act, 15 U.S.C. 2601 et seq. ("TSCA"); Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. 1251 et seq.; Federal Oil Pollution Control Act of 1990, 33 U.S.C. 2701 et seq.; the Washington State Model Toxics Control Act, RCW ch. 70.105D ("MTCA"); the Washington Hazardous Waste Management Act, RCW ch. 70.105; the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., the Washington Water Pollution Control Act, RCW ch. 90.48, and any laws concerning above ground or underground storage tanks.

Yes       No

*IF YES, EXPLAIN:* SEE ATTACHMENT A, ATTACHED HERETO.

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### **WORKER SAFETY RESPONSIBILITY**

Within the previous three years, has the Proposed Lessee been found by the Department of Labor and Industries, Division of Occupational Safety and Health (DOSH), to have violated any state occupational safety and health regulations as detailed in 29 CFR part 1952 subpart A?

Yes       No

*If Yes, explain:* In August of 2016, Lessee's Seattle Plant received a citation from DOSH. No penalties were assessed. The Seattle Plant immediately corrected all issues cited.

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### **LABOR LAWS**

Has the Proposed Lessee been found by the Department of Labor and Industries to have violated a state wage payment law, including willful violation of a wage payment requirement as defined in RCW 49.48.082, and any provision of chapter 49.48 or 49.52 RCW, or had a civil judgement entered against it for violation of a state wage payment law, in the last 3 years?

Yes       No

*IF YES,*  
*EXPLAIN:* \_\_\_\_\_

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Has the Proposed Lessee been found by the Department of Labor and Industries to have violated a state minimum wage law, including violation of a minimum wage payment requirement as defined in RCW 49.46, or had a civil judgement entered against it for violation of a state minimum wage law, in the last three years?

Yes       No

*IF YES,*  
*EXPLAIN:* \_\_\_\_\_

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## **RULES AND REGULATIONS**

Within the previous three years has your firm been found to have violated any antidiscrimination laws or regulations, whether they be local, state or federal?

Yes       No

*IF YES,*  
*EXPLAIN:* \_\_\_\_\_

Within the previous three years, has any principal, officer or employee who will perform any of the work for the County been convicted of a crime?

Yes       No **Not Applicable as no work for the County is to be performed by the Lessee.**

*IF YES,*  
*EXPLAIN:* \_\_\_\_\_

If a license is required for lessee to perform services as a 14 CFR 380 public charter, or any other required regulatory filings, are all such required licenses and regulatory filings currently valid?

Yes       No **Not applicable.**

*IF YES,*  
*EXPLAIN:* \_\_\_\_\_

Please provide copies of all licenses and regulatory filings required by the Federal Aviation Administration and/or federal Department of Transportation.

Is there any other information that the County should be aware of regarding your history with financial, criminal or legal history that has bearing on the work that the County is considering you to perform?

Yes       No

*IF YES,*  
*EXPLAIN:* \_\_\_\_\_

## **HUMAN TRAFFICKING**

Has the Proposed Lessee been found in violation of the Trafficking Victims Violence Prevention Act of 2000, or any other federal, state, or local laws concerning human trafficking, in the last three years?

Yes       No

*IF YES,*  
*EXPLAIN:* \_\_\_\_\_

**GOVERNMENT CONTRACTS**

Please list all contracts for services as a charter airline the lessee or parent entity may have with the United States federal government, including any federal agency or any contractor doing business with the United States federal government. **Not applicable.**

## RESPONSIBILITY ATTESTATION

The proposed lessee shall be required to complete and sign this Responsibility Attestation. **This completed and certified Responsibility Detail & Attestation Form shall be submitted electronically (pdf) via email, to the Lease Supervisor identified on page 1 of the this document.**

**Attestation Requirement:** By completing this Responsibility Detail & Attestation Form (Attachment 1), the proposed lessee is certifying that the information contained within Responsibility Detail & Attestation Form (Attachment 1), and any additional information requested by the County, is true and complete. The Proposed Lessee's failure to disclose the required information or the submittal of false or misleading information may result in the rejection of the lease award, revocation of award, or contract termination, and/or may impact the Proposer's ability to lease future locations with King County.

**Proposed Lease Title:** King County Harbor Bond Portfolio

Proposed Lease Location: King County Harbor Bond Portfolio

The information provided herein is true and complete.



Signature of Authorized Representative

June 21, 2019

Date

Print Name and Title: Joshua Markus, General Counsel - Ardagh Group North America

### Proposed Lessee's General Information

Proposed Lessee's Legal Name:	Ardagh Glass Inc.
Contact Name and Title:	Joshua Markus, General Counsel
Address:	8770 W. Bryn Mawr
	Chicago, IL 60631
Contact Phone Number:	773-399-3509
Contact Email:	<a href="mailto:Joshua.markus@ardaghgroup.com">Joshua.markus@ardaghgroup.com</a>
@Legal Name and Members of Joint Venture:	

**Responsibility Ordinance Questionnaire**  
04/2019

**Identify the  
City and  
State of  
Company  
headquarters**

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Indianapolis, IN

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**KING COUNTY RESPONSIBILITY LEASE DETAIL & ATTESTATION FORM**

Attachment No. A

Lessee operates a glass container manufacturing facility located adjacent to the property currently leased by Lessee. The manufacturing facility operates pursuant to the terms of a Title V Operating Permit which regulates the emissions of certain air pollutants. Under the terms of the Title V Permit, Lessee is subject to strict emission limits for NO<sub>x</sub>, SO<sub>2</sub> and Particular Matter (PM) on each of its glass furnaces, as well as numerous recordkeeping, reporting and testing requirements. Within the previous three (3) years, Lessee has been issued Notices of Violation under the provisions of the Title V Operating permit relating to the timely submission of one or more monitoring reports, failure by Lessee's third-party testing company to properly perform Method 9 Visible Emissions Observations, 6 minute opacity exceedances during non-routine operations, and failure of the facility's now shut down Furnace #2 and Furnace #3 to meet the PM grain-loading emission limit. Except as noted, Lessee has met all other emission limits and requirements for each of its then four (4) operating furnaces, including Furnace #2, during this time. To date, each alleged violation has been, or is currently being, addressed and settled by Lessee, through approved corrective actions and/or payment of a minor penalty to the applicable regulatory authority. Additionally, Furnace #2, which was cited for PM emission exceedances from November 2016 to November 2017, was permanently shut down in early 2019 (as a result of lower demand due to foreign imports). Lessee has worked with its testing company to correct the alleged improper Visible Emissions Observation for future testing.

In addition to Lessee's Title V Permit for air emission compliance, Lessee also has wastewater discharge permits for its manufacturing facility and a stormwater discharge permit for the leased premises. Within the previous three (3) years, Lessee has reported four (4) exceedances to its wastewater permit. Three (3) of the exceedances were caused by malfunction equipment, which were subsequently repaired. The fourth was caused by leakage of process materials, which was also subsequently corrected. None of the reported exceedances resulted in civil penalties.

Under Lessee's stormwater discharge permit, Lessee has experienced periodic excess levels of zinc, copper and water turbidity above the benchmark levels and total suspended solids in excess of numeric effluent levels. Lessee has committed approximately \$1 million in control equipment during 2016/2017, has recently added a street sweeper that is in full-time operation and continues to commit significant resources to identify the sources and to reduce the current levels of these pollutants. Lessee is currently working with the Department of Ecology to find sustainable solutions to reduce the contaminant levels and/or treat the stormwater discharge to levels below the benchmark and numeric levels. In addition, Lessee has created a new full time Environmental Engineer position at the facility. Last, Lessee has ISO 14001 certification. The certification was renewed on March 4, 2019 and is valid through March 3, 2022.